

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

**A.C., by her next friend and Mother,
J.C., her Father, B.C., and J.C. and
B.C., the parents, Individually,**

Plaintiffs,

Case No.: 2:10-cv-02347-dkv

vs.

SHELBY COUNTY BOARD OF EDUCATION,

Defendant.

ORDER APPROVING SETTLEMENT OF CLAIM FOR MINOR

This cause came to be heard upon the Joint Petition for approval of settlement of claims for injury to a minor, A.C.; upon the testimony of her parent; and statements of counsel, whereupon the Court finds:

1. The minor Plaintiff, A.C., was born on August 26, 2002. Her current residence and mailing address is 6045 West Chandler Boulevard, Suite 13-135, Chandler, Arizona 85226.

2. A.C. has Type 1 diabetes. At times relevant hereto, she used an insulin pump. Disputes between the parties arose concerning the proper management of A.C.'s diabetes in the public school setting and which accommodations were reasonable. Under Section 504 of the Rehabilitation Act, 29 U.S.C. §793, and the Americans with Disabilities Act, 42 U.S.C. §12101, Plaintiffs alleged Defendant retaliated against their requests for accommodation by making false reports to the Department of Children's Services, causing injury and humiliation to the parents and child. Defendant denies that it retaliated against Plaintiffs, denies that any adverse actions

taken against the Plaintiffs, denies that it made false reports to the Department of Children's Services and denies the Plaintiffs' were injured or humiliated.

3. The parties desire to resolve disputed matters without admitting wrongdoing on the part of any party; therefore, the parties have reached a compromised settlement which includes:

a. A payment by Defendant of a total of eighty nine thousand dollars (\$89,000) in the following manner:

(i). One lump sum check to be made payable to "Jennifer Chow and Bobby Chow," the parents, in the amount of Fifteen Thousand Dollars (\$15,000) for alleged pain and suffering, humiliation, or sickness;

(ii) One lump sum check made payable to "Jennifer Chow and Bobby Chow, for the care of their minor child, A.C." in the amount of Twenty Thousand Dollars (\$20,000) for alleged pain and suffering, humiliation, or sickness, to be used for her educational benefit;

(iii). One lump sum check made payable to Gilbert Russell & McWherter in the amount of Fifty-four Thousand Dollars (\$54,000) representing \$45,000 in discounted hourly attorneys fees expended in both the District Court and Sixth Circuit Court of Appeals (Case No. 11-6506) and reimbursement of \$9,000 in expenses incurred by Gilbert Russell & McWherter.

b. Subject to Paragraph 3(a)(iii), each party to pay its own costs and fees.

4. After the commencement of Plaintiff's lawsuit, Defendant began diabetes training which includes administrators, school nurses, and teachers. This training includes, but is not limited to, understanding the differences between Type 1 and Type 2 diabetes; diabetes management of young children in the school setting; typical reasonable accommodations for students with diabetes; and understanding the role of diet, exercise, and insulin for a child with diabetes.

5. In exchange for the consideration described above, it is understood by the parties that the minor Plaintiff, A.C., as well as any individuals on behalf of the minor child, will be forever barred from asserting not only the 504 and ADA claims in the lawsuit but all claims, rights and causes of action against Defendant.

6. The Court, having reviewed the proposed settlement and having heard from counsel for both parties, and based upon the entire record, finds the proposed settlement just, fair, equitable and in the best interests of the minor Plaintiff, A.C., and does hereby, in all respects, **CONFIRM, RATIFY AND APPROVE** said settlement as set forth herein and make the same a judgment of this Court. It is **FURTHER ORDERED** that this cause be, and the same hereby is, dismissed with prejudice.

SO ORDERED on this the 22nd day of November, 2013.

s/Diane K. Vescovo
DIANE K. VESCOVO
UNITED STATES MAGISTRATE JUDGE

APPROVED FOR ENTRY:

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/s Justin S. Gilbert

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